

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Pal Maliga, et al.

Serial No. 09/762,105

Filed: April 23, 2001

For: "Translation Control  
Elements for High-Level Protein  
Expression in the Plastids of  
Higher Plants and Methods of  
Use Thereof"

Examiner: Anne R. Kubelik  
Group Art Unit: 1638  
Response to Paper No: 10

1638  
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TECH CENTER 1600/2900

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that this Correspondence is being deposited on December 10, 2003 with the United States Postal Service as first-class mail in an envelope properly addressed to COMMISSIONER FOR PATENTS AND TRADEMARKS, P.O. Box 1450, Alexandria, VA 22313-1450.

December 10, 2003  
Date of Certificate

*Janice Nightlinger*  
Janice Nightlinger

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97**

In compliance with the duty of disclosure set forth in 37 C.F.R. § 1.56, Applicants are submitting herewith a Form PTO-1449 and a copy of the references listed thereon. This Information Disclosure Statement is being filed more than three months after the filing date of this application, and after receipt of the first Official Action on the merits, but before receipt of a Final Official Action or a Notice of Allowance. Accordingly, the fee of \$180.00 required under 37 C.F.R. 1.97(c) is enclosed. In the event the check is improper, or the fee calculation is in error, the Commissioner is authorized to charge any underpayment or credit any overpayment to the account of the undersigned attorneys, Account No. 04-1406. A duplicate copy of this sheet is enclosed.

In the opinion of the undersigned, the references submitted herewith are the most pertinent of which the undersigned is aware. However, no representation is made or intended that more pertinent references do not exist.


This submission is not an admission that the references listed on the attached Form PTO-1449 constitute prior art against the claims of this application.

The Examiner is respectfully requested to confirm receipt and consideration of the cited references by initialing and returning a copy of the attached Form PTO-1449 in accordance with MPEP §609.

Early and favorable consideration of this application is respectfully requested.

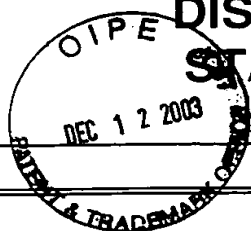
DANN, DORFMAN, HERRELL AND SKILLMAN  
A Professional Corporation

By

  
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# INFORMATION DISCLOSURE STATEMENT



SHEET 1 OF 2

Complete if known

Application Number: 09/762,105

Filing Date: April 23, 2001

First Named Inventor: Pal Maliga, et al.

Group Art Unit: 1638

Examiner Name: Anne R. Kubelik

Our File No. 1594-RUT.00-0010US1

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## UNITED STATES PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	PATENT NUMBER	ISSUE DATE MM-DD-YYYY	FIRST NAMED INVENTOR
	A1	5,122,457	06-16-1992	Reim, et al.
	A2	5,451,513	09-19-1995	Maliga, et al.
	A3	5,627,061	05-06-1997	Barry, et al.
	A4	5,877,402	03-02-1999	Maliga, et al.
	A5	6,271,444 B1	08-07-2001	McBride, et al.

## FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	DOCUMENT NUMBER	COUNTRY OR REGION	DATE OF PUBLICATION MM-DD-YYYY	FIRST NAMED INVENTOR OR APPLICANT

## OTHER PRIOR ART - NON-PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	Include name of the author (in Capital Letters), title of the article (when appropriate), title of the item(book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
	C1 ✓	SVAB, Z. et al., "High Frequency plastid transformation in tobacco by selection for a chimeric <i>aadA</i> gene"; Proc. Natl. Acad. Sci. USA, 90: 913-97 (1993)
	C2 ✓	TWELL, D. et al., "Promoter analysis of genes that are coordinately expressed during pollen development reveals pollen-specific enhancer sequences and shared regulatory elements"; Genes & Development 5: 496-507 (1991)
	C3 ✓	CRESS, W.D. et al., "Critical Structural Elements of the VP16 Transcriptional Activation Domain"; Reports, 251: 87-90 (1991)
	C4 ✓	CHEN, W. et al., "Distinguishing between Mechanisms of Eukaryotic Transcriptional Activation with Bacteriophage T7 RNA Polymerase"; Cell, 50: 1047-1055 (1987)
	C5 ✓	KIM, M. et al., "Identification of a Sequence-Specific DNA Binding Factor Required for Transcription of the Barley Chloroplast Blue Light-Responsive <i>psbD-psbC</i> Promoter"; The Plant Cell, 7: 1445-1457 (1995)

EXAMINER'S SIGNATURE		DATE CONSIDERED	
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw a line through citation if citation not in conformance and reference not considered. Include a copy of this form with next communication to applicant.

# INFORMATION DISCLOSURE STATEMENT

DEC 12 2003

SHEET 2 OF 2

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Examiner Name: Anne R. Kubelik

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C6	—	LERBES-MACHE, S., "The 110-kDa polypeptide of spinach plastid DNA-dependent RNA polymerase: Single-subunit enzyme or catalytic core of multimeric enzyme complexes?"; Proc. Natl. Acad. Sci. USA, 90: 5509-5513 (1993)
C7	—	KAPOOR, S. et al., "Identification and functional significance of a new class of non-consensus-type plastid promoters"; The EMBO Journal, 11(2): 327-337 (1997)
C8	—	VERA, A. et al., "A ribosomal protein gene ( <i>rpl32</i> ) from tobacco chloroplast DNA is transcribed from alternative promoters: similarities in promoter region organization in plastid housekeeping genes"; Mol Gen Genet, 251: 518-525 (1996)
C9	—	CLARKE, A.K. et al., "Identification and expression of the chloroplast <i>clpP</i> gene in the conifer <i>Pinus contorta</i> "; Plant Molecular Biology, 26: 851-862 (1994)
C10	—	HUANG, C. et al., "The <i>Chlamydomonas</i> chloroplast <i>clpP</i> gene contains translated large insertion sequences and is essential for cell growth"; Mol Gen Genet, 244: 151-159 (1994)
C11	—	INADA, H. et al., "The Existence of three regulatory regions each containing a highly conserved motif in the promoter of plastid-encoded RNA polymerase gene ( <i>rpoB</i> )"; The Plant Journal, 11(4): 883-890 (1997)
C12	—	JEFFERSON, R.A., NCBI GenBank Accession No. A00196 (1993)

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